

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:03-CR-310-1H

UNITED STATES OF AMERICA,

v.

LAKENDRICK FOBBS,

Defendant.

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**ORDER**

This matter is before the court on defendant's motion filed August 2, 2010, in which he seeks clarification on payments toward his restitution. The government has responded, and this matter is ripe for adjudication.

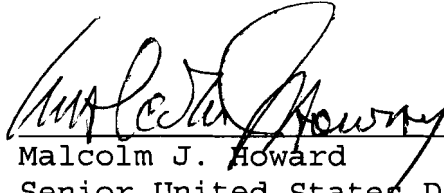
Defendant asks that this court declare that court-ordered restitution is "superior to that of the U.S. Marshal's." Defendant asserts that the Marshals sold his 1998 Ford Expedition and that the \$2296 from the sale should have been credited towards his restitution debt.

A review of the government's response, the record in this case and a copy of the CCAM financial report in defendant's case reveals the following information. On October 18, 2004, defendant Fobbs was ordered to pay criminal restitution of \$9440

and a special assessment of \$300 pursuant to a criminal judgment. On July 28, 2006, the United States Marshal sold a 1998 Ford Expedition pursuant to a writ of execution issued by the Clerk [DE #77]. The vehicle sold for \$2600 and after the Marshal's Service expenses, \$2296 was applied to defendant's restitution on August 24, 2006.

The court has found that payment has been properly applied to defendant's restitution debt, and therefore the motion [DE #134] is DENIED. Defendant may ask his case manager at BOP to contact this court's Financial Unit to receive a copy of the official CCAM report in order to reconcile the CCAM report with the records of BOP.

This 3<sup>rd</sup> day of November 2010.

  
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Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
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